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DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR JANA



January 31, 2011

### **MEMORANDUM**

TO:

THE COMMISSION

THROUGH:

ALEC PALMER

**ACTING STAFF DIRECTOR** 

FROM:

PATRICIA CARMONA YC

CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA

ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION

BY:

YODI WINSHIP/SARI PICKERALI

COMPLIANCE BRANCH

SUBJECT:

REASON TO BELIEVE RECOMMENDATION – 2010 30 DAY

POST-GENERAL REPORT (AUTHORIZED COMMITTEES) FOR

THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of authorized committees whose candidates sought election in the November 2nd General Election.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

# Recommendation

- 1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- 2. Send the appropriate letters.

# 11092660747

- Int : 545 : 1541 511

Federal Election Commission

2010 POST-GENERAL Not Election Sensitive 12/02/2010 AUTH (CA, FL, GA, KY, MA, NC, NY, OH, PA, TX, VT) Reason to Believe Circulation Report

RTB Penalty 8 Days Late Receipt Date ≥ Threshold Treasurer Candidate Name Committee Name Committee

\$8,800 \$3,850 Not Filed \$328,830 (est) \$86,572 Not Filed 1/13/2011 | LUIS R. VERA | \$2,959,474 | 0 0 \$753,762 KEVIN P. TURNER RODRIGUEZ, CIRO D. TURNER, ROBERT L. CIRO RODRIGUEZ FOR CONGRESS BOB TURNER FOR CONGRESS 2286 | C00326066 2284 C00483495

\$1,535 \$119,477 12/9/2010 \$463,831 0 CHARLES TAYI.OR BRITTON, LEONARD WHEELER LEN BRITTON FOR VERMONT 2294 C00472597

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2297	2297 C00411991	PATRICK MURPHY FOR CONGRESS	MURPHY, PATRICK J.	LINDSAY F. \$8,537,802	\$8,537,802	0	1/25/2011	Not Filed	\$1,553,296	\$12,000
2298	2298 C00464347	TIM ALLISON FOR CONGRESS	ALLISON, TIMOTHY JAMES	SUSAN HERRERA	\$341,248	0	12/8/2010	9	\$56,781	\$825
2299	2299 C00465336	TOM WESLEY FOR US CONGRESS	WESLEY, TOM	PAUL M. YANOVITCH	\$209,658	0	,	Not Filed	Not Filed \$29,951 (est)	\$990

# BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
Reason To Believe Recommendation - 2010 30 Day Post-General Report (Authorized Committees) for the Administrative Fine Program:	)))	
LEN BRITTON FOR VERMONT, and	<u>;</u>	AF# 2294
CHARLES TAYLOR as treasurer;	)	
TIM ALLISON FOR CONGRESS, and	)	AF# 2298
SUSAN HERRERA as treasurer;	)	
BOB TURNER FOR CONGRESS, and	)	AF# 2284
KEVIN P TURNER as treasurer;	)	
CIRO RODRIGUEZ FOR CONGRESS,	)	AF# 2286
and VERA, LUIS R. MR. as treasurer;	)	

PATRICK MURPHY FOR CONGRESS, ) AF# 2297 and ANGERHOLZER, LINDSAY F. as ) treasurer; )

Federal Election Commission Certification for Administrative Fines February 02, 2011

TOM WESLEY FOR US CONGRESS, and ) AF# 2299 PAUL M YANOVITCH as treasurer; )

# **CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on February 02, 2011 the Commission took the
following actions on the Reason To Believe Recommendation - 2010 30 Day PostGeneral Report (Authorized Committees) for the Administrative Fine Program as
recommended in the Reports Analysis Division's Memorandum dated January 31,
2011, on the following committees:

Federa Election Commission Certification for Administrative Fines February 02, 2011

Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2298 Decided by a vote of 6-0 to: (1) find reason to believe that TIM ALLISON FOR CONGRESS, and SUSAN HERRERA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2284 Decided by a vote of 6-0 to: (1) find reason to believe that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary dotermination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Waither, and Weintraub voted affirmatively for the decision.

AF#2286 Decided by a vote of 6-0 to: (1) find reason to believe that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Banerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2297 Decided by a vote of 6-0 to: (1) find reason to believe that PATRICK MURPHY FOR CONGRESS, and ANGERHOLZER, LINDSAY F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

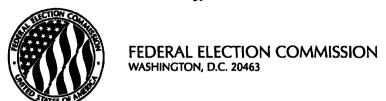
AF#2299 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WESLEY FOR US CONGRESS, and PAUL M YANOVITCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Femuny 4,3011

Shawn Woodhead Werth

Secretary and Clerk of the Commission



February 7, 2011

Susan Herrera, in official capacity as Treasurer Tim Allison for Congress 35 W. Main Street, Suite B210 Ventura, CA 93001

C00464347 AF#: 2298

Dear Ms. Herrera:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C §. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 8, 2010, 6 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On February 2, 2011, the FEC found that there is reason to believe ("RTB") that Tim Allison for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$825. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <a href="http://www.fec.gov/af/af.shtml">http://www.fec.gov/af/af.shtml</a>. 11 C.F.R. § 111.34. Your payment of \$825 is due within forty (40) duys of the finding, or by March 14, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$56,781 Number of Days Late: 6

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

# 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to chullenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 14, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encousages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a chaffenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly: 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

### 2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Tim Allison for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

## 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

...

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <a href="http://www.fec.gov/af/af.shtml">http://www.fec.gov/af/af.shtml</a>. If you have questions regarding the payment of the calculated eivil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Cynthia L. Bauerly

Chair

### ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$825 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza

Attn: Government Lockbox, SL-MO-C2GL

St. Louis, MO 63101

The remittance and your payment are due by March 14, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

### PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

### PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Tim Allison for Congress

FEC ID#: C00464347

AF#: 2298

PAYMENT DUE DATE: March 14, 2011

**PAYMENT AMOUNT DUE: \$825** 

WASHINGTON, D.C. 20463



May 18, 2011

### **MEMORANDUM**

TO:

The Commission

THROUGH:

Alec Palmer

**Acting Staff Director** 

FROM:

Patricia Carmonn M for PC

**Chief Compliance Officer** 

Debbie Chacona Assistant Staff Director
Reports Analysis Division

BY:

odi Winship/Sari Pickerall

Compliance Branch

SUBJECT:

Administrative Fine Program - Final Determination Recommendation for the

2010 30 Day Post-General Report (Authorized Committees).

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2010 30 Day Post-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Also, two (2) committees detailed below designated a new Treasurer after the RTB finding:

- Patrick Murphy for Congress (AF 2297) filed an Amended Statement of Organization after the RTB finding designating Timothy R. Persico as Treasurer (see first list).
- Tom Wesley for US Congress (AF 2299) filed an Amended Statement of Organization after the RTB finding designating Catherine Mitchell as Treasurer (see first list).

### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

# Federal Election Commission FD Circulation Report Fine Paid 2010 POST-GENERAL Not Election Sensitive 12/02/2010 AUTH (CA, FL, GA, KY, MA, NC, NY, OH, PA, TX, VT)

AF#	AF# Committee Name	Candidate Name	Committee	Treasurer	Receipt Date Days Late	Days Late	LOA	2	RTB Date	PV RTB Date RTB Penalty Final Money Date Pald	Final Money	Date Paid	Amount	
			)											
2284	BOB TURNER FOR	TI IDNED BODGET!	COMBRAGE	VEVIN D. TI IDNED	04/43/2014 Not Ellad	Not Eller	COR K72	,	000000044	63 8EV	62 BEA	001482044	43 BES	
		Children, Modern E.	Control	MENIN F. LOINTEN	01/10/2011		710,000	>	ווחאסחסו	20,00	20,00	11020170	200	
2300	CIRO RODRIGUEZ FOR	2 COLO 121 ICIOCCO	990906000	AGEN 0 9111	00000000		6940 400	_	1000000		000 00	770070070	900	
7700	CONGRESS		00025000	LUIS & VERS	DAILY NOT LINE		051,815¢	- >.	LEGERANZO	2000 40'00 40'00	26,600	<b>LLのダバス/MO</b>	96,600	

2284	LEN BRITTON FOR	BRITTON, LEONARD	C00472597	CHARLES TAYLOR	12/08/2010	~	\$119,477	•	02/02/2011	\$1,636	\$1,535	03/07/2011	\$1,636
2297	PATRI	MURPHY, PATRICK J. C00411991	C00411991	TIMOTHY R. PERSICO	01/25/2011	Not Filed	Not Filed \$1,554,039	•	02/02/2011	\$12,000	\$12,000	02/28/2011	\$12,000
2298	<u>}</u>	ALLISON, TIMOTHY JAMES C00484347	C00464347	SUSAN HERRERA	12/08/2010	6	\$56,781	۰	02/02/2011	\$825	\$826	1102/81/20.	\$825
2289	TOM WESLEY FOR US	WESLEY, TOM	C00465336	CATHERINE MITCHELL	03/28/2011	Not Filed	\$72,082	0	02/02/2011	066\$	066\$	03/18/2011	088\$

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# BEFORE THE FEDERAL ELECTION COMMISSION

Administrative Fine Program - Final Determination Recommendation for the 2010 30 Day Post-General Report (Authorized Committees): BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer;	)))))	AF# 2284
CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer;	)	AF# 2286
LEN BRITTON FOR VERMONT, and CHARLES TAYLOR as treasurer:	)	AF# 2294
PATRICK MURPHY FOR CONGRESS, and PERSICO, TIMOTHY R as treasurer; TIM ALLISON FOR CONGRESS, and SUSAN HERRERA as treasurer;	)	AF# 2297 AF# 2298
TOM WESLEY FOR US CONGRESS, and	)	AF# 2299

### **CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on May 20, 2011 the Commission took the

following actions on the Administrative Fine Program - Final Determination

Recommendation for the 2010 30 Day Post-General Report (Authorized Committees)

as recommended in the Reports Analysis Division's Memorandum dated May 18,

2011, on the following committees:

AF#2284 Decided by a vote of 6-0 to: (1) make a final determination that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2286 Decided by a vote of 6-0 to: (1) make a final determination that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weihtraub voted affirmatively for the decision.

AF#2294 Decided by a vote of 6-0 to: (1) make a final determination that LEN BRITTON FOR VERMONT, and CHARLES TAYLOR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2297 Decided by a vote of 6-0 to: (1) make a final determination that PATRICK MURPHY FOR CONGRESS, and PERSICO, TIMOTHY R as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2298 Decided by a vote of 6-0 to: (1) make a final determination that TIM ALLISON FOR CONGRESS, and SUSAN HERRERA as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2299 Decided by a vote of 6-0 to: (1) make a final datermination that TOM WESLEY FOR US CONGRESS, and MITCHELL, CATHERINE as treasurer, violated

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2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGalm II, Petersen, Wulther, and Weintraub voted affirmatively for the decision.

Attest:

nawn Woodhead Werth

Secretary and Clerk of the Commission



May 23, 2011

Susan Herrera, in official capacity as Treasurer Tim Allison for Congress 35 W. Main Street, Suite B210 Ventura, CA 93001

C00464347 AF#: 2298

Dear Ms. Herrera:

On February 2, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Tim Allison for Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2010 Post-General Report. By letter dated February 7, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$825 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On February 18, 2011, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on May 20, 2011 that you, in your official capacity as treasurer, and Tim Allison for Congress violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$825 in accordance with 11 C.F.R. § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prorept press 5) or (202) 694-1130.

On behalf of the Commission,

Cynthia L. Bauerly
Chair

Chair

FOR: Tim Allison for Congress

FEC ID#: C00464347

AF#: 2298

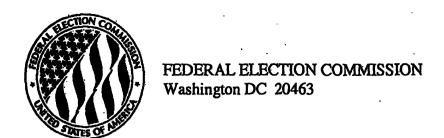
PAYMENT DUE DATE: March 14, 2011

PAYMENT AMOUNT DUE: \$825

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058 SEQ# 001 \$ 0000082500 BA# 1 02-18-11 20 3



TIM ALLISON FOR CONGRESS 25 W MAN ST SUITE B210 VENTURA, CA 83001	343 - 16-04/1220 4583 2578602365
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THIS	IS	THE	<b>END</b>	<b>OF</b>	<b>ADMINIST</b>	RATIVE	FINE	<b>CASE</b>	#-2298

DATE SCANNED 7-5.11

SCANNER NO. 2

SCAN OPERATOR IMP